REMARKS

In the patent application, claims 1-46 are pending. In the office action, pending claims 1, 2, 4, 5, 7-15, 17, 18, 20-22, 24-28, 30, 32, 34, 35, and 37-45 are rejected. Claims 3, 6, 16, 19, 23, 29, 31, 33, 36, and 46 are objected to as being dependent on a rejected base claim. Applicant wishes to thank the Examiner for the acceptance of these claims. By virtue of the present amendment, claims 1, 3, 6, 8, 16, 17, 19, 23, 29, 30, 33, 36, 38, and 46 have been amended. As such, claims 1-46 are at issue.

35 U.S.C. § 102

In the February 26th Office Action, claims 1, 2, 4, 5, 7-10, 17, 18, 20-22, 30, 32, 34, 35, and 37-40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Saitoh (US Patent 6,038,486). Applicant respectfully traverses this rejection.

Applicant has amended independent claims 1, 17, and 30 to more succinctly describe the present invention. As revised, these claims cover the programming of a factory automation controller using a web browser. This is distinct from Saitoh in that Saitoh does not describe the programming of a controller. There is much description in Saitoh for the downloading of command files to an inspection machine 1, but Saitoh explicitly distinguishes the inspection machine 1 from a control device 2 (see figure 1 and column 2 lines 41-48). Specifically, Saitoh provides:

> Referring to FIG. 1, the FA (factory automation) server system according to one embodiment of the present invention is made up of: inspection machine 1 that checks manufactured products; control device 2 that exercises control over the various types of machinery and devices including manufacturing devices, gauges of, for example, flow volume or liquid measure, etc., air conditioning and lighting equipment, equipment for conveying materials, raw materials, and manufactured articles; monitoring cameras, smoke detectors, and fire inspection machines; personal computer 3; FA server 4 provided with common disk 5; and LAN 6 that connects these components together; and moreover, the FA server system is further connected by way of Internet 7 to personal computer 8 of, for example, a head office, business office, warehouse, separate factory, cooperating company, customer, or supplier; personal computer 9 of a maker of machinery or equipment; and an arbitrary personal computer 10.

As can be seen in the above text, Saitoh makes the distinction that the inspection machine 1 is different from the control device 2. Throughout the rest of Saitoh's patent, the description is of the inspection machine 2. In fact, after the discussion in column 2 line 41-48, there are no further references to the control device 2. Furthermore, inspection machines are distinct from controllers in the art, as an inspection machine only monitors, and does not control. Claims 1, 17, and 30, as amended, are limited to controllers, and thus are not anticipated by Saitoh.

Claims 2, 18, and 32 are further distinct from Saitoh in that they require the combination of the programming device and the web browser in the same device. In contrast, any functionality in Saitoh concerning the changing of commands is done in the FA server (see Figures 5, 9, and 10). According to Saitoh, "[t]he operation execute program 20 of FA server 4 sets commands for data change for only the altered portions in command file 13, and command file 13 is file-transferred to inspection machine 1." Moreover, Saitoh clearly separates the functionality of the web browser (inside of PC 3) from the FA server 4 in Figures 1 and 2 (Also, the headers at the top of Figures 4-10 clearly show a further distinction). As such, claims 2, 18, and 32 can not be anticipated by Saitoh.

Claims 8 and 38 have been revised to cover output modules. Saitoh's inspection machines are input only devices. Accordingly, these claims can not be anticipated by Saitoh.

Claims 10 and 40 call for an interface module for connecting the programming device to the communications network. The Office Action looks to Saitoh to provide an interface module, and infers that one must be in Figure 1 to allow connectivity to the networks. However, Saitoh does not show an interface module, and does not go into detail on the structure of the FA server. There is no way to know how Saitoh chose to connect to the network based upon his patent. Because this structure is not present, claims 10 and 40 can not be anticipated by Saitoh.

Claims 2, 4, 5, 7-10, 18, 20-22, 32, 34, 35, and 37-40 are dependant claims based upon the independent claims above. Since these dependent claims contain each and every limitation of the independent claims, and since the applicant contends that the independent claims are distinct from Saitoh, each of these dependent claims must be distinct as well.

35 U.S.C. § 103

Claims 11-15, 24-28, and 41-45 have been rejected under 35 U.S.C. § 103 as being unpatentable over Saitoh in view of Steen (US Patent 6,510,350). Applicant respectfully traverses this rejection. The Office Action looks to Saitoh to provide the internal architecture of an interface module. However, such structures are not described in Saitoh. Instead, the Office Action infers first that an interface module is present (see above) and second the internal structure of the inferred interface module. Both are far beyond the description found in Saitoh.

Claims 11, 24, and 41 require a driver, a protocol stack, a client task, a server task, and a protocol task. There are no descriptions in Saitoh of any of these items. It is improper to infer any type of structure that is not enumerated in the text of Saitoh.

Claims 14, 15, 27, 28, 44, and 45 require specific actions of the HTTP task that are not described in Saitoh. Again, it is improper to infer structures or actions that are not detailed in Saitoh.

And finally, each of claims 11-15, 24-28, and 41-45 are dependent claims based upon independent claims that the applicant has shown to be distinct. Since these dependent claims contain each and every limitation of the base claims, applicant contends that these claims should also be allowed.

Objections to Claims

The Examiner has objected to claims 3, 6, 16, 19, 23, 29, 31, 33, 36, and 46 as being dependant upon a rejected base claims. While the applicant respectfully traverses the rejection of the base claims, each of claims 3, 6, 16, 19, 23, 29, 33, 36, and 46 have

been amended into independent format.

Please note that claim 16 has been further revised to include only the limitations of independent claim 1 and claim 10. The limitation of claims 11-15 have not been included as these limitation did not appear necessary based upon the comments in the Office Action. A similar revision has been done to claims 29 and 46.

Applicant contends that claims 3, 6, 16, 19, 23, 29, 33, 36, and 46 are now in condition for allowance.

Conclusion

Accordingly, Applicant respectfully submits that, in light of the above remarks, claims 1-46 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw the rejections and to allow the claims to issue. The Commissioner is authorized to charge deposit account 19-3875 (SAA-34-1) for any fees associated herein.

Respectfully submitted,
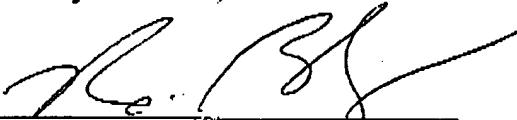
By: _____
· Richard A. Baker, Jr.
Reg. No. 48,124
Inventor

SCHNEIDER AUTOMATION INC.
1415 South Roselle Road
Palatine, IL 60067
Telephone: 978-975-9789
Facsimile: 847/925-7419

14